



## CENTRAL RECORDS TRAINING 2017 PROCESSING ICE REQUESTS

### CHAPTER 12L: CIVIL IMMIGRATION DETAINERS

- Sec. 12L1. Findings.
- Sec. 12L2. Definitions.
- Sec. 12L3. Restrictions on Law Enforcement Officials.
- Sec. 12L4. Purpose of this Chapter.
- Sec. 12L5. Semiannual Report.
- Sec. 12L6. Severability.
- Sec. 12L7. Undertaking for the General Welfare.



### ICE NOTICE OF ACTION WORKSHEET

In Compliance with San Francisco Administrative Code SEC.12 I.3 Civil Immigration Detainers

UPDATED 10/17/2017

Name: \_\_\_\_\_ SF# \_\_\_\_\_ ICE# \_\_\_\_\_ DOB: \_\_\_\_\_ COO: \_\_\_\_\_  
Last First Middle  
 Booking Date: \_\_\_\_\_ Date of Request: \_\_\_\_\_ Housing Location: \_\_\_\_\_ Booking #: \_\_\_\_\_  
 Leading Charge: \_\_\_\_\_ Held to Answer: ☐ yes ☐ No ☐ N/A MISD: ☐ FEL: \_\_\_\_\_ Court Date: \_\_\_\_\_  
 Description: \_\_\_\_\_ Warrant #: \_\_\_\_\_ Charge(s): \_\_\_\_\_ Jurisdiction: \_\_\_\_\_  
 Location of Arrest: \_\_\_\_\_ Date/Time Received: \_\_\_\_\_ Date/Time Released: \_\_\_\_\_

12I.3 (b) Law enforcement officials may continue to detain an individual in response to a civil immigration detainer for up to 48 hours after the individual becomes eligible for release if the continued detention is consistent with state and federal law, and the individual meets both of the following criteria:  
 (1) The individual has been convicted of a Violent Felony in the seven years immediately prior to the date of the civil immigration detainer; and  
 (2) A magistrate has determined that there is probable cause to believe the individual is guilty of a Violent Felony and has ordered the individual to answer the same pursuant to Penal Code Sections 872.

The above subsection (b) **shall expire by operation of law on October 1st, 2016.**

Effective April 2nd, 2017 US Immigration & Customs Enforcement Policy #10074.2 supersedes Interim Policy No.. 10074.1 Detainers

The consolidated detainer form, **Form I-247 A** (Immigration Detainer - Notice of Action) will be used as of April 2nd, 2017. Form I-247D (Immigration Detainer - Request for Voluntary Action), Form I-247N (Request of Voluntary Notification of Release of Suspected Priority Alien), and Form I-247X (Request for Voluntary Transfer), **may no longer be issued**

Form received from U.S Immigration and Customs Enforcement ☐ Form I-247 A with I-200 ☐ Form I-247 A with I-205  
**Section 1**

**1(A)** Within the last 7 years, has the person suffered a conviction for a Violent Felony if  
 Yes, List date of conviction then>>>>Go to Section II NA Charge: \_\_\_\_\_ Date: \_\_\_\_\_  
 If NO, Go to 1(B)

**1(B)** Within the last 5 years, has the person suffered a conviction for a Serious Felony  
 If Yes, List date of conviction then>>>>Go to Section II N/A Charge: \_\_\_\_\_ Date: \_\_\_\_\_  
 If NO, Go to 1(C)

**1(C)** Within the last 5 years, has the person suffered at least 3 felony convictions (for 3 separate incidents) for any of the following offenses:  
 ♦ A serious felony pursuant to PC 1192.7(c)  
 ♦ A violent felony pursuant to 667.5  
 ♦ A felony punishable by imprisonment in State prison pursuant to Gov Code 7282.5 (a)(2) (other than DV--see list of charges)  
 ♦ The individual has been convicted of a federal crime that meets aggravated felony definition (see list of charges)

If Yes, List Date of Conviction then>>>>Go to Section II Charge 1: \_\_\_\_\_ Charge 2: \_\_\_\_\_ Charge 3: \_\_\_\_\_  
 If NO, Individual does not meet criteria to advance inquiry Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 2** N/A

Has the individual been HELD TO ANSWER for any of the following offenses?

- ♦ A serious felony pursuant to PC 1192.7(c) Charge: \_\_\_\_\_
- ♦ A violent felony pursuant to 667.5(c)
- ♦ A felony punishable by imprisonment in State prison pursuant to Gov. Code 7282.5(a)(2) (other than Domestic Violence)

♦ If YES, Advance to Sheriff for consideration of evidence of rehabilitation and individual public safety threat. **PENDING**  
 ♦ If NO, individual does not meet criteria to advance inquiry

- ☐ CERTIFICATE OF SERVICE WAS DELIVERED ON \_\_\_\_\_ BY PRISONER LEGAL \_\_\_\_\_
- ☐ DOES NOT MEET 12I.3 REQUIREMENTS TO NOTIFY ☐ ENTERED INTO NOTICE OF ACTION DATA BASE ON \_\_\_\_\_
- ☐ SUBMITTED TO SHERIFF ON \_\_\_\_\_ FOR REVIEW ☐ NOTICE OF ACTION REVIEW DATE: \_\_\_\_\_
- ☐ PENDING HELD TO ANSWER ☐ NEW CHARGE(S) DISMISSED CRIMINAL HISTORY NOT NECESSARY



## THE SHERIFF HAS DESIGNATED THE CENTRAL RECORDS UNIT TO PROCESS ALL ICE NOTIFICATION REQUESTS



### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Policy Number 10074.2: Issuance of Immigration Detainers by ICE Immigration Officers

Issue Date: March 24, 2017  
Effective Date: April 2, 2017  
Superseded: Interim Policy No. 10074.1: Detainers (Aug. 2, 2010)  
Federal Enterprise Architecture Number: 306-112-0026

- Purpose/Background.** This Directive establishes U.S. Immigration and Customs Enforcement (ICE) policy and procedures regarding the issuance of civil immigration detainers to federal, state, local, and tribal law enforcement agencies (LEAs). ICE issues detainers to federal, state, local, and tribal LEAs to provide notice of its intent to assume custody of a removable alien detained in federal, state, local, or tribal custody. The Department of Homeland Security's (Department or DHS) detainer authority, codified in section 287.7 of title 8 of the Code of Federal Regulations (C.F.R.), arises from the Secretary of Homeland Security's power under section 103(a)(1) of the Immigration and Nationality Act (INA) to provide regulations "necessary to carry out his authority," and from ICE's general authority to arrest and detain aliens subject to removal or removal proceedings, pursuant to sections 236, 241, and 287 of the INA. The use of immigration detainers, however, long pre-dates any reference to detainers in the statute or regulations. In fact, the former Immigration and Naturalization Service first used the Form I-247 as early as 1952.  
  
Detainers enable ICE to judiciously deploy its investigative, detention, and removal resources consistent with the immigration enforcement priorities of the Department and the executive branch of the U.S. Government. Detainers also allow ICE immigration officers to avoid the risks to public safety and officer safety associated with arrests outside the custodial environment.
- Policy.** It is ICE policy to ensure that ICE immigration officers exercise detainer authority in a manner consistent with all legal requirements and in a manner that ensures ICE's LEA partners may honor detainers.
- The consolidated detainer form, Form I-247A (Immigration Detainer – Notice of Action) attached to this Directive shall be used as of the effective date of this Directive. Form I-247D (Immigration Detainer – Request for Voluntary Action), Form I-247N (Request**

<sup>1</sup> See, e.g., *Chung Young Choe v. Boyd*, 309 F.3d 837 (9th Cir. 1962); *Rindell v. United States*, 484 F. Supp. 916 (S.D.N.Y. 1977); *Shack v. Miller*, 88 F. Supp. 875 (W.D. Pa. 1950), *aff'd*, 184 F.2d 575 (3d Cir. 1950), *cert. denied*, 340 U.S. 935 (1951); *Matter of Lohrke*, 12 I&N Dec. 139 (OIA 1973).

- Since the emergence of the new I-247 A Form (Immigration Detainer – Notice of Action Form) there has been a steady increase of notification requests after Executive Order 13768
- In 2016 new requests were reviewed by Lt. Quanico per 12I.3 of the San Francisco Administrative Code
- Starting November 15<sup>th</sup>, 2017, the Central Records Unit will review all notification requests



# THE PROCESS PART 1

Once a person is arrested and booked at County Jail #1, the individual is ID processed



Prints are automatically sent to Cal DOJ which then shares them with the FBI for check of criminal history and outstanding warrants.

FBI automatically shares fingerprints with DHS and ICE to check for prior contacts





# THE PROCESS PART 1

I-247A Form is issued within 24 Hrs. w/ Form I-200 "Warrant for Arrest of Alien" or I-205, "Warrant for Removal/Deportation."  
\*(These are Not Criminal Warrants)

DEPARTMENT OF HOMELAND SECURITY (DHS)  
**IMMIGRATION DETAINEE - NOTICE OF ACTION**

Subject ID: \_\_\_\_\_ File No: \_\_\_\_\_  
Event #: \_\_\_\_\_ Date: \_\_\_\_\_

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency) \_\_\_\_\_ FROM: (DHS Office Address) \_\_\_\_\_

Name of Alien: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

**1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete line 1 or 2):**

- ☐ a final order of removal against the alien;
- ☐ the pendency of ongoing removal proceedings against the alien;
- ☐ biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete line 1 or 2):**

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an administrative determination.

**IF IT IS THEREFORE REQUESTED THAT YOU:**

- Notify DHS as early as practicable (at least 48 hours, if possible) to take the alien is released from your custody. Please notify DHS by calling (1) U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) at Law Enforcement Support Center at: (800) 872-4220. If you need to reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (800) 872-4220.
- Maintain custody of the alien for a period **NOT TO EXCEED 24 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to complete processing. The alien must be served with a copy of this form to the detainer to take effect. This detainer arises from DHS enforcement actions and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, or other matters.
- If the alien is transferred to another law enforcement agency, this detainer is to be relayed to the new agency with custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked: Please cancel the detainer related to this alien previously submitted to you on \_\_\_\_\_ (date).

(Name and title of Immigration Officer) \_\_\_\_\_ (Signature of Immigration Officer) \_\_\_\_\_

**Notice:** If the alien may be the victim of a crime or you want this alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (800) 872-4220. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:**

Please provide the information below by \_\_\_\_\_ (date), or failing, or having a copy to \_\_\_\_\_ (date) of latest criminal charge/conviction: \_\_\_\_\_

Local Booking/Inmate #: \_\_\_\_\_

This form was served upon the alien on \_\_\_\_\_ in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): \_\_\_\_\_

(Name and title of Officer) \_\_\_\_\_ (Signature of Officer) \_\_\_\_\_

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

**To:** Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon: \_\_\_\_\_

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act the above-named alien.**

(Signature of Authorized Immigration Officer) \_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer) \_\_\_\_\_

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ (Location) on \_\_\_\_\_ (Name of Alien) \_\_\_\_\_, and the contents of this notice were read to him or her in the \_\_\_\_\_ (Language).

Name and Signature of Officer \_\_\_\_\_ Name or Number of Interpreter (if applicable) \_\_\_\_\_

Form I-200 (Rev. 10-14)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

**To any immigration officer of the United States Department of Homeland Security:**

(Full name of alien) \_\_\_\_\_  
who entered the United States at \_\_\_\_\_ on \_\_\_\_\_ (Date of entry)  
(Place of entry) \_\_\_\_\_ (Date of entry) \_\_\_\_\_

is subject to removal/deportation from the United States, based upon a final order by \_\_\_\_\_

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act \_\_\_\_\_

I, the undersigned officer of the United States, exercise the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by her or his direction, command you to take into custody and remove from the United States the above-named alien pursuant to law, at the expense of: \_\_\_\_\_

(Signature of immigration officer) \_\_\_\_\_  
(Title of immigration officer) \_\_\_\_\_  
(Date and office location) \_\_\_\_\_





## EMAIL



## Central Records Unit

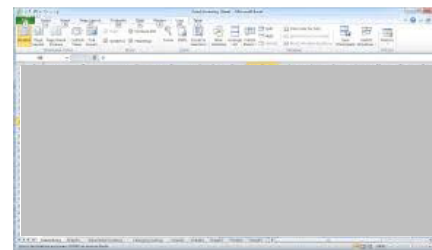
# THE PROCESS

## PART 1

**I-247A Form and I-200/I-205 are emailed directly to CRU. CRU will physically stamp the Booking Card with acronym FR (Federal Request) and Held to answer HTA feature in JMS is activated for tracking purposes. CRU will contact the watch commander at the facility where the inmate is currently housed to assure FR is stamped on Field Arrest Card. The SFSD Dashboard will be updated and checked daily by CRU to track those that are HTA. I-247A form is logged onto CRU tracking spreadsheet.**

SFPD BOOKING #				San Francisco Field Arrest Card				SFPD BOOKING #			
CASE #		Last Name		First Name		Middle Name		DOB			
SFD Local ID Number		Age		Sex		Date of Arrest		Type of Arrest			
SFD #		Maiden Address		City		State		Zip			
City #		Location of Arrest		Mailing County District		City		State		Zip	
FBI #		Mailing County District		City		State		Zip		Mailing City District	
SFD Desk		SFD #		Place in Booking ( ) Detainer ( ) Other ( ) Splitter		Any Property Seized ( ) Yes ( ) No		Gender		RACE (check one)	
Global Subject #		Use of Force Prior to Booking ( ) Control ( ) SC Taping ( ) Lacer Tag Label		Ties ( ) Yes ( ) No		Mug ( ) Yes ( ) No		( ) Black ( ) White ( ) Unknown		( ) Asian ( ) Pacific Islander ( ) American Indian / Alaskan	
Arresting Officer		SFD / Bar #		Station ( ) Yes ( ) No County		Mugshot Origin ( ) SFD ( ) Other		Arresting Officer		SFD / Bar #	
Arresting Officer		SFD / Bar #		Mailing Assessor (Place in Booking Comment 2) #		Mugshot Origin ( ) SFD ( ) Other		Arresting Officer		SFD / Bar #	
Supervisor		SFD / Bar #		Charge 1		Check 1 ( ) F ( ) M ( ) Other		Jail ( ) Yes ( ) No		Photo Here	
Supervisor		SFD / Bar #		Charge 2		Check 2 ( ) F ( ) M ( ) Other		Jail ( ) Yes ( ) No		Photo Here	
Supervisor		SFD / Bar #		Charge 3		Check 3 ( ) F ( ) M ( ) Other		Jail ( ) Yes ( ) No		Photo Here	
Supervisor		SFD / Bar #		Charge 4		Check 4 ( ) F ( ) M ( ) Other		Jail ( ) Yes ( ) No		Photo Here	
Name		Last Name		Sub-Office		Class Level		Mugshot Origin ( ) SFD ( ) Other		Photo Here	
Name		Last Name		Sub-Office		Class Level		Mugshot Origin ( ) SFD ( ) Other		Photo Here	

## Stamp FR



# CRU TRACKING SHEET



# THE PROCESS PART 1

Truth Act Compliance: Upon receiving an ICE Notice of Action form I-247A, the individual shall promptly be given a copy of the request.

- The individual shall be given a copy of SFSD form 17-1 "Information regarding ICE Request for notification of release."
- The individual will be given SFSD form 17-2 "Designation of Persons to receive ICE request information"

San Francisco Sheriff's Department  
Information Regarding ICE Request for Notification of Release  
Initial Statement

☐ Solicito recibir esta formulación en español. / I request to receive this form in Spanish.  
☐ 380 380 0000. / I request to receive this form in Chinese.  
☐ Não to pongo nenhuma na minha língua e não na Tagalog. / I request to receive this form in Tagalog.  
☐ Tôi yêu cầu nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.  
☐ 저는 이서류를 한국어로 번역한 것으로 받고 싶습니다. / I request to receive this form in Korean.

\*, \_\_\_\_\_ Name \_\_\_\_\_ DOB \_\_\_\_\_  
 SSN \_\_\_\_\_  
 Current charge(s) \_\_\_\_\_  
 Housing location \_\_\_\_\_

Under the Transparent Review of Unusual Transfers and Holds (TRUTH) Act, we are required to provide you with the attached copy of the ICE request and inform you of whether we intend to comply with the request.  
 The San Francisco Sheriff's Department does not intend to comply at this time. However, based on San Francisco Administrative Code 12B and 13B, if you are held to answer on a qualifying felony, a review of your criminal history will be conducted to determine if you qualify for possible notification based on local law.

If your background, current charges and history of convictions and other information conforms to San Francisco Administrative Code 12B we will contact you and your attorney or another person that you choose, if we notify ICE of your release. Please provide the contact information, including phone number and/or email, for your attorney or another person that you choose on the provided SFSD form 17-2, "Designation of Persons to Receive ICE Information Request".

Please contact Prisoner Legal Services or your attorney if you have any questions or concerns.  
 Public Defender Phone: 415-553-1671 Prisoner Legal Services Phone: 415-XXX-XXXX

NOTE: A copy of the Free Legal Services Provider List for the San Francisco Immigration Court is also included with the notice. Please consider reaching out to one of the listed immigration rights advocates now that you know that you are the subject of ICE proceedings. If you reach to the San Francisco County Jail for future charges, ICE may continue to request a notification. If you are incarcerated elsewhere, that jurisdiction may elect to notify ICE of your impending release.

For SFSD Use Only:  
 Delivered By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Unable to Deliver: \_\_\_\_\_ Reason: \_\_\_\_\_  
 Copies to: SFSD Records, Public Defender/Attorney of Record, Prisoner Legal Services

San Francisco Sheriff's Department  
Information Regarding ICE Request for Notification of Release  
Designation of Persons to Receive ICE Request Information

☐ Solicito recibir esta formulación en español. / I request to receive this form in Spanish.  
☐ 380 380 0000. / I request to receive this form in Chinese.  
☐ Não to pongo nenhuma na minha língua e não na Tagalog. / I request to receive this form in Tagalog.  
☐ Tôi yêu cầu nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.  
☐ 저는 이서류를 한국어로 번역한 것으로 받고 싶습니다. / I request to receive this form in Korean.

Date: \_\_\_\_\_ Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_  
 Current charge(s): \_\_\_\_\_  
 Housing location: \_\_\_\_\_

Please complete the following information regarding the person you would like notified regarding any ICE Requests for Notification: (Select one)  
 Attorney \_\_\_\_\_ Other Designated (if applicable) \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Email: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

The above selected individual(s) will be notified with copies of any documents received from ICE that require notification of my release. In the event the San Francisco Sheriff's Department elects to notify ICE pursuant to the San Francisco Administrative Code 12B, these persons will also be included with that information at the earliest opportunity.

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SFSD Use Only:  
☐ I was able to see the above named inmate and complete this form. I subsequently forwarded a copy of this form, Form 17-2, with the request from ICE to the name individual(s).  
☐ I was not able to see the above named inmate due to his/her release from custody via \_\_\_\_\_  
☐ The person was contacted and did not want to complete this form.  
☐ Other \_\_\_\_\_

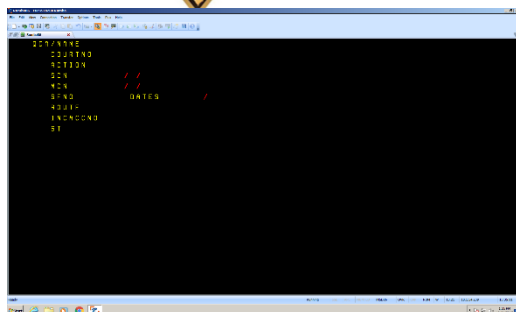
Processed by: \_\_\_\_\_ Unit: \_\_\_\_\_ Title: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_

Copies to: SFSD Records, Public Defender/Attorney of Record, Prisoner Legal Services

Form SFSD 17-02 DRAFT 5/4/17

\*Prisoner Legal Services will provide these documents to the inmate

\*CRU will prepare all forms and forward to PLS for service




# THE PROCESS PART 2

**CRU will conduct a Notification Request Review based on San Francisco Administrative Code 12I.3 using the ICE Notice of Action Worksheet once the inmate has been Held to Answer on current charge(s). All booking cards with FR stamped on front will be set aside and HTA status will be reviewed in JMS/CMS after each court date to determine if inmate was HTA that day. Once confirmed inmate has been HTA, start review process for criteria A.**

[illegible]

FR



## Booking Card

[illegible]



## THE PROCESS PART 2

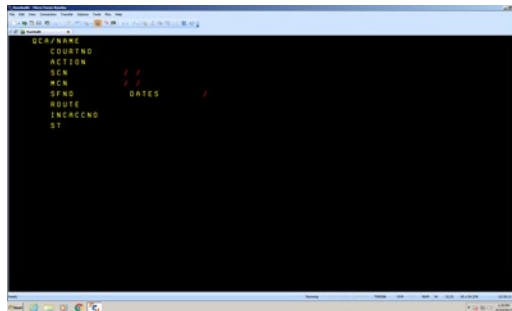
### (Criteria A)

Has the person been Held to Answer on their current charge(s) for any of the following offenses: A serious felony pursuant to PC 1192.7 (c) A violent Felony pursuant to 667.5 (c) A felony punishable by imprisonment in State prison pursuant to Gov. Code 7282.5(a) (2) (other than DV)

HTA?

SERIOUS FELONY?

VIOLENT FELONY?



Form received from U.S Immigration and Customs Enforcement ☐ Form I-247 A with I-200 ☐ Form I-247 A with I-205

#### Section 1

1(A) Within the last 7 years, has the person suffered a conviction for a Violent Felony

If Yes, List date of conviction then>>>>Go to Section II NA Charge: \_\_\_\_\_ Date: \_\_\_\_\_

If NO, Go to 1(B)

1(B) Within the last 5 years, has the person suffered a conviction for a Serious Felony

If Yes, List date of conviction then>>>>Go to Section II N/A Charge: \_\_\_\_\_ Date: \_\_\_\_\_

If NO, Go to 1(C)

1(C) Within the last 5 years, has the person suffered at least 3 felony convictions (for 3 separate incidents) for any of the following offenses:

- ❖ A serious felony pursuant to PC 1192.7(c)
- ❖ A violent felony pursuant to 667.5
- ❖ A felony punishable by imprisonment in State prison pursuant to Gov Code 7282.5 (a)(2) (other than DV--see list of charges)
- ❖ The individual has been convicted of a federal crime that meets aggravated felony definition (see list of charges)

If Yes, List Date of Conviction then>>>>Go to Section II Charge 1: \_\_\_\_\_ Charge 2: \_\_\_\_\_ Charge 3: \_\_\_\_\_

If NO, Individual does not meet criteria to advance inquiry Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

N/A

#### Section 2

Has the individual been HELD TO ANSWER for any of the following offenses?

- ❖ A serious felony pursuant to PC 1192.7(c) Charge: \_\_\_\_\_
- ❖ A violent felony pursuant to 667.5(c)
- ❖ A felony punishable by imprisonment in State prison pursuant to Gov. Code 7282.5(a)(2) (other than Domestic Violence)





## THE PROCESS PART 2

**(Criteria B)** 1A) Within the last 7 years, has the person suffered a conviction for a violent felony. 1B) Within the last 5 years, has the person suffered a conviction for a serious felony, or 1C) within the last five years has the person suffered 3 felony convictions (for three separate incidents) for any of the following: A serious felony pursuant to PC 1192.7 (C) A violent felony pursuant to 667.5 A felony punishable to Gov. Code 7282.5 (a) (2) (other than DV see list of charges) The individual has been convicted of a federal crime that meets aggravated felony definition (see list of charges)

7 YEARS VIOLENT CONVICVTION?

5 YEARS SERIOUS CONVICTION?



THREE FELONY CONVICTIONS IN 5 YEARS





## THE PROCESS PART 2

If both criteria A and B are met, the Sheriff conducts a final review of the person's rehabilitation efforts and threat to public safety to determine whether or not, in her discretion, to notify ICE prior to releasing the inmate.

Criteria A ☒ \_\_\_\_\_

Criteria B ☒ \_\_\_\_\_

☒ SUBMITTED TO SHERIFF ON XX-XX-2017 FOR REVIEW



## THE PROCESS PART 2

If both A and B are not met and/or only one of the two criteria are met, individual does not meet criteria to advance inquiry to the Sheriff.

Criteria A ☒ \_\_\_\_\_

Criteria B ☐ \_\_\_\_\_



**DOES NOT MEET 12I.3 REQUIREMENTS TO NOTIFY**



## THE PROCESS PART 2

If individual does not meet 12I.3 Criteria, ICE is denied access to the inmate. The inmate cannot be interviewed by ICE and will not be released to their custody. The inmate is released through normal release procedures, without delay

If you are unsure of any of the steps to this process ask your supervisor and/or contact Sheriff Legal Counsel.

## QUESTIONS?